

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA,

-v-

JUAN LUIS ALMANZAR HERNANDEZ,

Defendant.

19-CR-360 (KMW)

ORDER

KIMBA M. WOOD, District Judge:

On June 23, 2021, Juan Luis Almanzar Hernandez was sentenced principally to a term of imprisonment of 75 months, after the Court deducted 12 months from the bottom of Almanzar Hernandez’s Guidelines range “to take into account [his] good work ethic and [his] conditions of incarceration.” (J., ECF No. 88; Sent’g Tr. at 8:22-9:2, ECF No. 91.) On December 19, 2023, the Federal Defenders moved for a reduction of Almanzar Hernandez’s sentence pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B.10. (Def.’s Mot., ECF No. 118.)

Pursuant to Section 3582(c)(2), a court may reduce a defendant’s term of imprisonment “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . after considering the [Section 3553(a) factors,] if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2).

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual. As relevant here, Part B amends Guidelines § 4C1.1, by providing a 2-level offense

level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria.

In a January 04, 2024 Order, the Court stated that the Probation Department had determined that Almanzar Hernandez appeared eligible for a reduction in his sentence, and ordered the Government to file a statement of its position on Almanzar Hernandez's motion. (Order, ECF No. 120.) On January 11, 2024, the Government responded, stating that Almanzar Hernandez's motion should be granted. (Gov't Letter, ECF No. 122.)

The parties agree that Almanzar Hernandez is eligible for a sentence reduction pursuant to Amendment 821. (Def.'s Mot. at 3; Gov't Letter at 1.) Almanzar Hernandez's original Guidelines range was 87 to 108 months' imprisonment, based on an offense level of 29 and a criminal history category of I. (Suppl. Presentence Investigation Report at 3, ECF No. 117.) Pursuant to Amendment 821, Almanzar Hernandez receives a 2-level offense level reduction because he is an offender with zero criminal history points. (*Id.* at 2-3.) Almanzar Hernandez's amended Guidelines range is 70 to 87 months' imprisonment, based on an offense level of 27 and a criminal history category of I. (*Id.* at 3.)

The Court finds that Almanzar Hernandez is eligible for a sentence reduction and adopts the above calculations as to Almanzar Hernandez's Guidelines range.

The Court further finds that the Section 3553(a) factors weigh in favor of a reduction in Almanzar Hernandez's sentence, and that Almanzar Hernandez does not pose a danger to the public. U.S.S.G. § 1B.10 cmt. (B)(i)-(iii). As the Court stated at sentencing in discussing Almanzar Hernandez's history and characteristics, "if I were sentencing him under the advisory [G]uidelines, I would give him the lowest number of months within his range." (Sent'g Tr. 8:5-

8.) In addition, the Court stated that Almanzar Hernandez “appears to be a very loving and caring father to his children.” (*Id.* at 8:9-11.)

Having considered the record in this case, it is ORDERED that Almanzar Hernandez’s term of imprisonment is reduced to 70 months’ imprisonment. All other components of the sentence remain as originally imposed. This Order is effective February 1, 2024. *See* U.S.S.G. § 1B.10(e)(2) & cmt. 7.

SO ORDERED.

/s/ Kimba M. Wood

KIMBA M. WOOD
United States District Judge

Dated: January 30, 2024
New York, New York